

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 16379** of George Washington University, pursuant to 11 DCMR 3108.1. for a special exception under Section 210 for further processing of an approved campus plan to allow the construction of an educational building (Media and Public Affairs Building) on a parking lot of the campus in an R-5-D District at premises 2035 H Street, NW (Square 101, Lot 62).

**HEARING DATE:** October 21, 1998  
**DECISION DATE:** December 2, 1998

**ORDER**

**SUMMARY OF EVIDENCE:**

1. The application was advertised for alteration of an existing building, in addition to new construction. This project does not include alteration. The application was amended, at the public hearing, to delete that portion of the advertisement.
2. The site is located at the northeast corner of 21<sup>st</sup> and H streets, NW, in Square 101 (Lot 62), within the University's campus plan boundaries. Square 101 is bounded by Pennsylvania Avenue and I Street on the north, 20<sup>th</sup> Street to the east, H Street to the south, and 21<sup>st</sup> Street to the west. The site is located in the Foggy Bottom neighborhood of Ward 2.
3. The subject property contains 26,429 square feet of land area and is used as a surface parking lot for 53 automobiles, which serve faculty and staff.
4. The area surrounding the site is developed primarily with institutional and commercial uses. A high-density commercial development is located adjacent to the site, to the north, within the square. The Bureau of Catholic Indian Missions building is also located within the square, to the east of the site. The George Washington University Yard is located directly across H Street, to the south of the subject property. The University's Lisner Auditorium is located diagonally across from the site, at the corner of H and 21<sup>st</sup> streets. The University's Marvin Center houses the University's Student Union and is located directly across 21<sup>st</sup> Street from the site.

5. The subject square is split-zoned C-3-C and R-5-D; however, the site is zoned in its entirety R-5-D. The northern half of Square 101 (the I Street and Pennsylvania Avenue street frontage) is zoned C-3-C and has high-density commercial development. The remainder of Square 101, including the site, is located in the R-5-D District.

6. The R-5-D District permits matter-of-right general residential uses, including single-family dwellings, flats, and apartments to a height of 90 feet, a maximum floor area ratio (FAR) of 3.5 for all structures, and a maximum lot occupancy of 75 percent. With the approval of the Board of Zoning Adjustment, a college or university that is an academic institution of higher learning, including college or university hospital, dormitory, fraternity, or sorority house proposed to be located on the campus of a college or university, shall be permitted in the R-5-D District.

7. The site is designated on the City's Comprehensive Plan Generalized Land Use Map for institutional use. The majority of the square is also designated for institutional use. The northeastern corner of the square is designated for high-density commercial use.

8. The Zoning Commission approved a Planned Unit Development (PUD) project for the site in 1994. The PUD involved the rezoning of the property to C-3-C, Zoning Commission Order No. 749-A. The PUD was approved for the construction of a media and communications project to be jointly occupied by the University and WETA. The approved project had an FAR of 5.29 and a height of 110 feet. The PUD approval was appealed to the District of Columbia Court of Appeals on various legal grounds and construction of the approved project was delayed. WETA has since relocated to Virginia, abandoning the project.

9. The site is included within the boundaries of George Washington University's Campus Plan for the years 1985 – 2000. The site is also located on the eastern portion of the campus and is identified in the campus plan as being used for "educational/mixed-use". This designation includes classrooms, laboratories, libraries, student activities facilities, faculty offices, parking, parks and open space, and related support functions.

10. At the time of the hearing, the following matters pertaining to George Washington University were pending before the Board:

<u>BZA No.</u>	<u>Use</u>
14455	Petition of ANC 2A (Campus Plan)
16379	Media and Public Affairs Building
16389	Construction of New Hospital
16409	Construction of a Parking Garage
16408	Building for Law School

11. The proposed building would contain a gross floor area of 88,112 square feet, a floor area ratio (FAR) of 3.3, and a height of 80 feet at the parapet. The footprint would occupy approximately 61 percent (16,048 square feet) of the 26,429-square foot lot. The Zoning Regulations permit maximum lot occupancy of 75 percent, an FAR of 3.5, and a height of 90 feet. The proposed building meets the lot occupancy, FAR and height zoning requirements and would not exceed that which is permitted in the approved campus plan.

12. The University stated that the proposed building would serve as a center for Media and Public Affairs. Through the Columbian School of Arts and Sciences, the School of Media and Public Affairs offers programs of study leading to the Bachelor of Arts degree in the fields of journalism, political communication, radio and television. Related programs to be housed in the proposed building include Public Policy Telecommunications, Political Management and Public Administration. George Washington Television would also house its administrative offices and a teleconferencing venue in the building.

13. The University's gallery (the Dimrock Gallery), which is currently located at Lisner Auditorium, would be relocated to the proposed building. Also, to be located in the building would be the University's Center for Washington Area Studies. The University indicated that the Center was established in 1980 to bring its resources to bear on the development of a fuller understanding of the Washington area as a locality, with its own history, politics and culture as well as its own problems and opportunities.

14. The University indicated that the proposed building would include several large state-of-the-art, multimedia classrooms to be shared by the aforementioned programs. The facility would house existing media and public affairs academic programs which are currently operating from existing buildings on the campus at scattered locations. The proposed building would provide adequate space for the programs and would enable them to be located together. The University stated that the proposed building would not be constructed for the purpose of expanding programs or adding new ones, and it would not result in an increase in the number of students, faculty and staff. The proposed project is within the matter-of-right development standards for the R-5-D District.

15. The University indicated that the six above-grade and three below-grade levels of the building would be used as follows:

<u>Floor</u>	<u>Use</u>
First	A 400 seat multimedia auditorium and reception space.
Second	University gallery (exhibition space, storage and offices), control & production space for Channel 27.
Third	Two 100-student multimedia classrooms, one 50-student classroom, a viewing classroom for film & video for 40 students & the offices of GWU television.
Fourth	Faculty and staff offices for the School of Media and Public Affairs and the University's Political Management program.
Fifth	Seminar space, television and audio studios edit suites and production space for the School of Media and Public Affairs, office and edit space for the history in the media program.
Sixth	Office space for faculty and staff.
Below-Grade	The first level would contain GW's television telecommunications space and a 150-student classroom. The bottom two levels would contain parking.

16. Sixty-five parking spaces would be provided on two below-grade levels. Vehicular access would be from H Street. Two loading berths would be provided along H Street for use by media vehicles. Loading space for two large trucks would also be located off H Street. Smaller trucks would serve the building from the parking levels; in addition, they would have access to the H Street facilities.

17. The applicant indicated that an unimproved easement would be located, on the site, to the north of the building. The easement has been established to provide secondary vehicular access to the Bureau of Catholic Indian Missions building, which is located at 2021 H Street, NW.

18. The applicant indicated that the activities planned for the Media and Public Affairs Building are intended to enhance the educational opportunities for students of the University in a manner that is not likely to become objectionable to neighboring property owners because of noise, traffic, number of students, or other objectionable conditions.

19. The total number of on-campus parking spaces would remain within the range of 2,700 to 3,000, as required by the approved Campus Plan. At the time of the hearing, the campus contained approximately 2,800 parking spaces. The site currently has a 53-space parking lot, and the proposed project would replace the vacant lot with a building that contains 65 parking spaces. The applicant indicated that 12 parking spaces would be added.

**Parking Locations Within the Campus & No. of Available Spaces**

LOT NUMBER	LOT NAME	NO. OF SPACES
1	2116 G Street	34
2	Kennedy/Onnasis	18
3	20 <sup>th</sup> & H Lot	59
4	Academic Center Lot	215
6	New Hall Garage	59
7	ACC Garage	109
9	21 <sup>st</sup> & H Lot	53
10	Warwick Lot	24
11	Medical Resident Lot	195
12	730 22 <sup>nd</sup> Street	92
13	Att. Physicians Lot	70
14	Ross Hall Garage	152
16	Funger Hall Garage	125
17	22 <sup>nd</sup> & I Streets Lot	9
18	Smith Center Lot	45
UPG	University Parking Garage	1060
MC	Marvin Center Garage	183
Lot A	Support Building Lot	159
Lot D	23 <sup>rd</sup> & G Lot	109
Riverside	Riverside Towers Lot	5
Lisner	Rear of Lisner Auditorium	1
EE	Rear of Rice	2
		<b>2,778</b>
		<b>TOTAL</b>

20. To ensure the adequacy of parking at the site during construction, valet parking would be implemented at the Marvin Center. Also, the University signed an agreement with the Kennedy Center for use of up to 150 parking spaces during the daytime. The parking agreement was entered into on October 26, 1998 (Exhibit 31 of the record).

21. The Agreement provides for the use of the Kennedy Center Garage by University parkers and vice versa. In part, the Agreement states that George Washington employees, contractors, affiliates, students and other designees who have an affiliation with GW may enter and park in the garage located at the Kennedy Center on weekdays between 6:00 a.m. and 7:00 p.m. and at other times as may be scheduled by mutual agreement of the parties. George Washington University parkers shall be permitted to park in up to 150 spaces at the Kennedy Center garage. The Agreement is for five years. In addition, the Kennedy Center will provide shuttle bus service for the Kennedy Center and GW parkers.

**PARKING SPACES AVAILABLE ON AN AS NEEDED BASIS**

Kennedy Center	150
Valet Parking at Marvin Center	125
Motorcycle Parking	35

22. The Board requested that the University submit evidence into the record demonstrating that employees of general contractors and subcontractors not drive to the site and advise their personnel to park at an assigned remote site. The University provided the following language to be incorporated into future contract documents:

“Parking is not available on campus and will not be provided at or near the construction site. The contractor shall be responsible for locating and providing parking as required for his forces, including subcontractors. The contractor shall also be responsible for providing his own shuttle or other form of transportation from the remote parking site to the construction site.”

23. The Board inquired about the University’s parking plan that will summarize the effects of planned construction activity on the University’s inventory of parking spaces over the next three years. The applicant indicated that the plan would be submitted to the Board in November 1998.

24. A concern expressed at the hearing was the use of the 400-seat auditorium by guests coming for special events. The applicant indicated that the auditorium would be used, from time to time, for events that would draw from outside the student body. However, it would primarily be a teaching facility and used by the University’s students. The non-teaching activities would occur in the evenings and on the weekends when on-campus parking is available. An example cited was a forum for the mayoral candidates.

25. By memorandum dated October 9, 1998, the Office of Planning recommended approval of the application for the following reasons: (1) the proposed Media and Public Affairs building is consistent with the approved campus plan for the University; (2) the facility would not result in an increase in the number of students, faculty or staff; (3) with the proposed project, the bulk and height of buildings on the campus would not exceed that which is permitted in the approved campus plan; (4) the applicant has met the burden of proof of the requested special exception under Section 210 of the Zoning Regulations; and, (5) the use and operation of the proposed facility would not impair the intent, purpose and integrity of the zoning requirements for the R-5-D District.

26. The Department of Public Works (DPW) submitted correspondence to the file indicating that, from a transportation standpoint, the proposed project would have no measurable adverse impact on the surrounding street system. DPW indicated that there would not be an increase in the number of students or faculty at the University. Therefore, no new vehicular trips would be generated. Currently, the University has 2,778 off-street parking spaces in various surface lots and parking garages. The available parking is in compliance with the overall comprehensive plan for the University to maintain from 2,700 to 3,000 parking spaces under the approved Master Plan.

27. The Bureau of Catholic Indian Missions submitted correspondence dated October 19, 1998 to the Board in support of the proposed project. The Bureau's property abuts the site. The correspondence states that the Bureau is pleased to advise the Board that after reviewing the project with the appropriate officials at George Washington University and, based upon that review and the representations of the University, the Bureau is in support of and recommends approval of the proposed project. The Bureau indicated that the proposed project is in keeping with the plan for the area.

28. Four students testified in support of the application. Reasons given by the students for supporting the application were: the building would be state-of-the-art thus providing increased access to technology; the building would be of benefit to the students by increasing opportunities for different types of programs, internships and experimental learning; the building would provide increased classroom space; and, departments that are currently spread across the campus would be centralized.

29. By correspondence dated October 16, 1998, Advisory Neighborhood Commission (ANC) 2A passed a resolution strongly opposing further processing of special exception applications submitted by George Washington University, including the School of Media and Public Affairs. The ANC indicated that a new campus plan is scheduled to take effect on January 1, 2000. The ANC requested that the Board postpone consideration of the special exception for the Media Center until an opinion is received from the Corporation Counsel on a schedule for processing the new campus plan. The date scheduled for the Corporation Counsel's decision was November 4, 1998. The following reasons were identified by the ANC for the action taken:

- There are currently two buildings for which special exceptions to the George Washington University Campus Plan have been granted on which construction has not begun, and there are currently four pending requests for special exceptions for construction of buildings on campus;
- The existing campus plan is out-of-date and will expire in just over a year;
- Development of the campus, pursuant to the outdated campus plan, has already caused the University to be objectionable to neighboring properties because of noise, traffic and number of students, in violation of the Zoning Regulations;
- Injury caused to the neighborhood from additional construction is cumulative, making it impossible to consider the current proposals on a site-by-site basis;
- On August 6, 1998, the ANC filed a petition asking the BZA to establish a schedule for processing a new Campus Plan for the University. In that petition, ANC 2A requested that the BZA not schedule hearings on any applications for special exceptions until a new campus plan is approved;
- The Board referred the petition to Corporation Counsel, requesting an opinion on the issues raised. To the ANC's knowledge, at the time of the public hearing, the Corporation Counsel had not yet responded;
- Continued processing of the Media Center application, prior to a determination of the petition issues by the Corporation Council, will cause irreparable injury to the community. It will preclude full effective consideration of a new campus plan since additional areas of the campus will be built upon and thus removed from meaningful Board review.

30. The Board, at its November 4, 1998 public meeting, voted to deny the request of ANC 2A that it not consider any further special exception applications from the George Washington University under the current Campus Plan. The Board also voted, at the same meeting, to request George Washington University to submit a new campus plan, not later than January 2000.

31. The Chairperson of ANC 2A stated that the University's student population has increased by almost 8,000 since 1993. At the same time, the University has only added one building to provide living accommodations for 445 students. The University has chosen not to build dormitories, and is therefore not providing enough housing for the student population. The Foggy Bottom neighborhood is adversely impacted not just from individual projects but, collectively, from all of the University's land use activities.

32. The Board inquired about the number of parking spaces that would be lost by the University by the projects that are in the pipeline (e.g., a new hospital, the School of Media and Public Affairs.) The Board made special note to the applicant that the parking spaces to be provided at the Kennedy Center were proffered in a previous case and are proffered in this case.

Accordingly, the Kennedy Center spaces cannot be proffered for any other project proposed by the University.

33. The Board indicated that it was deeply concerned about the number of on-campus parking spaces, particularly because of the number of development projects that are underway and/or planned. The Board stated that if sufficient on-campus parking spaces were not available, that would have a significant adverse impact on the surrounding residential community. For example, only 410 visitor-parking spaces are available on the entire campus. The Board also noted that one of the University's pending construction projects is a parking garage.

34. At the conclusion of the hearing, the Board scheduled a decision on the application for its December 2, 1998 public hearing. The Board also indicated that a decision concerning when the University would be required to submit a new campus plan has a direct bearing on this application and would be discussed at its November 4, 1998 public hearing. The Board requested that the applicant provide the following documents: (1) a copy of the agreement between the University and the Kennedy Center; (2) a copy of the language to be incorporated into the contractor's agreement indicating that contractors/subcontractors would be shuttled to the site; and (3) clarification of the alternative parking to be provided.

#### **FINDINGS OF FACT:**

1. The applicant is proposing to develop a vacant lot. The half-acre site is used as a surface parking lot, which is not the highest and best use of land.

2. The proposed building meets all of the zoning requirements of the R-5-D District, that is height, lot occupancy and floor area ratio.

3. Colleges and universities are permitted in the R-1 District; accordingly, they are also permitted in the R-5-D District, subject to the requirements of Section 210 of the Zoning Regulations and the approval of the Board. The University's Media and Public Affairs Building is a permitted use, within the confines of the Campus Plan.

4. The site is identified on the city's Comprehensive Plan, Generalized Land Use Map, for institutional use. It is also identified within the boundaries of the University's campus plan for the years 1985 – 2000.

5. The proposed building would complement the surrounding land uses. The majority of the buildings that are located close to the site is owned by the University and is used for institutional and commercial purposes.

6. The proposed building would not likely become objectionable to neighboring property because of noise, number of students, or traffic. Construction of the proposed building would not result in an increase of students and faculty. There are no outdoor activities associated with the proposed building; therefore, noise would not be increased. The applicant has submitted



documentation to the Board that, during construction, employees of contractors and subcontractors would be transported from a remote parking site to the construction site.

7. After the building is constructed, 12 additional parking spaces would be added. The applicant has entered into an Agreement with the Kennedy Center to provide parking during construction. Simultaneously, valet parking would be implemented at the Marvin Center. The number of on-campus parking spaces would remain within the range of 2,700 to 3,000, as required by the existing campus plan,

8. The applicant was notified that although sufficient on-campus parking is available for proposed project, all future construction projects would be reviewed carefully to ensure that they do not have a negative impact on the surrounding Foggy Bottom residential neighborhood.

9. The abutting property owner, the Bureau of Catholic Indian Missions, supports the proposed building.

10. The Office of Planning and the Department of Public Works recommend approval of the proposed project.

11. The Board considered the views of Advisory Neighborhood Commission 2A and determined that the proposed project could be considered under the current campus plan. The Board also determined that the University must submit, no later than January 4, 2000, a new campus plan.

12. The Board notes that a major concern of the ANC had to do with clarification of the hearing date of the new campus plan. That matter was resolved, prior to a decision on this application.

#### **CONCLUSIONS OF LAW AND OPINION:**

Based on the findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception, for further processing of an approved campus plan, under Section 210 of the Zoning Regulations. The special exception must meet the criteria set forth in Section 3108 of the Zoning Regulations which requires that the application be in harmony with the general purpose and intent of the Zoning Regulations and Map and not tend to affect adversely the use of neighboring property. The Board concludes that the proposed Media and Public Affairs Building meets all zoning requirements of the R-5-D District; that the project is included within the boundaries of the Campus Plan for the years 1985 – 2000; that a parking lot is not the highest and best use of the site; that the proposed building would complement the surrounding land uses; and, that sufficient parking for this project is available on the campus and at the site.

The Board considered the testimony and report of ANC 2A and accorded the ANC the “great weight” to which it is entitled.

The Board concludes that the applicant has met the burden of proof, and as conditioned below, the proposed building would not cause objectionable impacts on the surrounding community. Accordingly, it is hereby **ORDERED** that the application be **GRANTED** subject to the following **CONDITION**:

The applicant shall be responsible for assuring that any contractors or subcontractors employed by the University for the construction of this project provide remote parking sites and shuttle services for their employees. To the greatest extent possible, the applicant shall mitigate the impact of the construction on the residential neighborhood.

**VOTE: 4-0** (Jerry H. Gilreath, Betty King, and Sheila Cross Reid to approve; Anthony J. Hood to approve by absentee vote.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

ATTESTED BY:

  
**SHERI M. PRUITT-WILLIAMS**  
Interim Director

**FINAL DATE OF ORDER:** MAR 29 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**BZA APPLICATION NO. 16379**

~~MAR 29 1999~~ <sup>MAR 29 1999</sup> Director of the Office of Zoning, I hereby certify and attest that on \_\_\_\_\_ a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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ATTESTED BY:

A handwritten signature in dark ink, appearing to read "Sheri M. Pruitt-Williams", is written over a horizontal line.

**SHERI M. PRUITT-WILLIAMS**

**Interim Director**

DATE: MAR 29 1999